

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/IL2004/000329

International filing date (day/month/year)
15.04.2004

Priority date (day/month/year)
15.04.2003

International Patent Classification (IPC) or both national classification and IPC
A61K7/48, A61K35/78, A01N65/00, C11D3/382, A23L3/3472

Applicant
CITRAMED. LTD.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☒ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☒ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1 (a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for International preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE
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Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. II Priority

1. ☒ The following document has not been furnished:

☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

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Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

- ☐ the entire international application,
- ☒ claims Nos. 1(in part),11-52,58-63,65-77 (all of them in part)

because:

- ☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):
- ☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):
- ☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
- ☒ no international search report has been established for the whole application or for said claims Nos. 1(in part),11-52,58-63,65-77 (all of them in part)
- ☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:
 - the written form ☐ has not been furnished
 - ☐ does not comply with the standard
 - the computer readable form ☐ has not been furnished
 - ☐ does not comply with the standard
- ☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.
- ☐ See separate sheet for further details

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Box No. IV Lack of unity of invention

1. ☐ In response to the invitation (Form PCT/ISA/206) to pay additional fees, the applicant has:
- ☐ paid additional fees.
 - ☐ paid additional fees under protest.
 - ☐ not paid additional fees.
2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is
- ☐ complied with
 - ☒ not complied with for the following reasons:
see separate sheet
4. Consequently, this report has been established in respect of the following parts of the international application:
- ☐ all parts.
 - ☒ the parts relating to claims Nos. 1-10,53-57,78-90

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, Inventive step or Industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-10,53-57,78-90
	No: Claims	
Inventive step (IS)	Yes: Claims	1-10,53-57,78-90
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-10,53-57,78-90
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

- Only part of the claimed subject-matter has been searched, namely claims 1-10,53-57,78-90 following an objection of lack of unity of invention by the International Searching Authority (see Article 17 (3)(a) PCT). Therefore, no establishment of opinion with regard to novelty, inventive step and industrial applicability will be done for the following claimed subject-matter: claim 1 (in part), 11-52,58-63,65-77 (all of them in part).

Re Item IV

Lack of unity of invention

- The general common concept underlying the present application is a composition comprising an activated citrus peel extract (ACPE) and a process for the preparation of an activated citrus peel extract, wherein the ACPE is prepared by an activation method which includes exposure of citrus peels to at least one pathogen.

This general common concept is not novel, see e.g. document D1 (IL120929 A), which refers to the production of antifungal and antimicrobial substances for medical and agricultural use, comprising applying plant fungal or bacterial pathogens to citrus fruit peels, incubating the citrus peels and extracting the treated peel to obtain a liquid enriched in antifungal and antimicrobial substances.

- Hence, the examining division considers that the following separate inventions or groups of inventions are not so linked as to form a single general inventive concept:

1. Claims: 1-10,53-57,78-90

A composition comprising an activated citrus peel extract (ACPE), use of an activated citrus peel extract (ACPE) for the preparation of a preservative composition and a process for the preparation of an activated citrus peel extract (ACPE) prepared by an activation method which includes exposure of citrus peels to at least one pathogen.

2. Claims: 1,11-49,51,52,58-62,64 (all of them in part)

A dermatological composition comprising an activated citrus peel extract (ACPE), the use of an activated citrus peel extract (ACPE) for the preparation of a dermatological formulation and a method for the treatment of a subject suffering from a skin condition,

said ACPE is prepared by an activation method which includes exposure of citrus peels to at least one pathogen.

3. Claims: 46-50,52,58-63 (all of them in part)

A preserving foods and beverages composition comprising an activated citrus peel extract (ACPE) and a method for preserving foods and beverages comprising ACPE, said ACPE is prepared by an activation method which includes exposure of citrus peels to at least one pathogen.

4. Claims: 1 (in part),65-77

A biocide composition for cleaning and disinfecting, comprising surfactant and an activated citrus peel extract (ACPE), said ACPE is prepared by an activation method which includes exposure of citrus peels to at least one pathogen.

As the applicant has not had a search report drawn up on the other inventions, the application will be prosecuted on the basis of the invention in respect of which a search has already been carried out, in other words the invention first mentioned in the claims.

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1 - The following document (D1) is referred to in this communication (Article 33(6) PCT); the numbering will be adhered to in the rest of the procedure:

D1: DATABASE WPI Section Ch, Week 200142 Derwent Publications Ltd., London, GB; Class B04, AN 2001-392083 XP002297658 & IL 120 929 A (ISRAEL MIN AGRIC) 30 April 2001 (2001-04-30)

2. Novelty (Article 33(2) PCT)

- The subject-matter of present claims 1-10,53-57,78-90 is not new for the following reasons (Article 33(2) PCT):

- Document D1 describes the production of antifungal and antimicrobial substances for medical and agricultural use, comprising applying plant fungal or bacterial pathogens to citrus fruit peels (Cf. D1, abstract).

The subject-matter of document D1 takes away novelty of present claims 1-10,53-57,78-

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AUTHORITY (SEPARATE SHEET)**

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90.

Moreover, in order to provide a full substantive examination on the present application, the applicant is kindly requested to provide to the examining division a full translation into English of the cited document D1.

3. Inventive Step (Article 33(1),(3) PCT)

a - Since the subject-matter of present claims 1-10,53-57,78-90 is known, obviously it can not involve an inventive step (Article 33(1),(3) PCT).

The applicant is requested to file new claims which take account of the above comments.

The applicant is requested to file amendments by way of replacement pages in the manner stipulated by Rule 66.8(a) PCT. In particular, fair copies of the amendments should be filed preferably in triplicate. He is invited to file new claims and adapt description, in particular by deleting passages referring to aspects of the inventions which do not correspond to claimed subject-matter (Article 6 PCT).

The amendments filed by the applicant should not introduce subject-matter which extends beyond the content of the application as filed, contrary to Article 34(2)(b) PCT.